IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.1401 OF 2004
along with Civil Application No.54 of 2004

Smt.Lalubai Mohamad Hussaen Bagwan,
Power of Attorney -Smt
Guljar Mohamad Hussaen Bagwan.. .. Appellant

Vs

1.Shri Balappa Sadashiv Hattargi
and ors. .. Respondents

Mr.S.V.Sadavarte, for the appellant.
Mr T.D.Deshmukh, for respondent no.2.

CORAM : D.B.BHOSALE,J.
DATE : 15.11.2006
PC:

1. Heard the learned counsel for the parties. This appeal is directed against the concurrent findings recorded by the courts below. The suit was filed by the respondents for possession and arrears of rent. Since the suit was not under the Bombay Rent Act, the issue of arrears of rent was not considered. Insofar as termination of tenancy under section 106 of the Transfer of Property Act is concerned, both the courts below, after having appricated the material on record, have recorded a categoric finding that the plaintiffs are entitled for possession of the suit property on the basis of the termination of tenancy rights by his predecessor. No substantial question was raised or

argued by the learned counsel for the appellants. Keeping that in view and considering the concurrent findings of fact and as I find that there is sufficient material on record to sustain those findings and considering the extremely limited jurisdiction of this Court under section 100 of C.P.C to disturb the findings of fact, this appeal fails and is dismissed as such.

2 It appears that the appellant is about 70 years old whereas respondent no.2 is 80 years old. Considering their ages, the appellant is allowed to vacate the suit premises within six months from today subject to her filing an usual undertaking in this court within a period of four weeks from today with an advance copy of the undertaking to the advocate for the respondents. This appeal is accordingly dismissed.

(D.B.BHOSALE,J.)